

United States District Court
Southern District Of Texas
FILED

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

MAY 14 2020

David J. Bradley, Clerk

UNITED STATES OF AMERICA
V.Filiberto MARTINEZ Jr.
DOB ('1981)
United States Citizen

CRIMINAL COMPLAINT

M-20-0983-M

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 12, 2020 in Starr county, in the Southern District of Texas defendant(s)

Did knowingly and willfully conspired, aided, and abetted in an attempt to export or send from the United States, any article, or object, to wit: approximately 199 rounds of .50 caliber ammunition contrary to any law or regulation of the United States, or receives, conceals, buys or in any manner facilitates the transportation or concealment of such articles or object, prior to exportation, knowingly the same to be intended for exportation contrary to any law or regulation of the United States.

Did knowingly and unlawfully export or attempt to export from the United States, any merchandise, article, or object, to wit: 199 rounds of .50 caliber ammunition, as defined by the Commerce Control List, contrary to any law or regulation of the United States, in that the Defendant had not obtained a license or written authorization for such export, in violation of Title 50, United States Code, Section 4819(2), and Title 15, Code of Federal Regulations, Section 730 et seq., all in violation of Title 18, United States Code, Section 554.

in violation of Title 18 & 50 United States code, Section(s) 554; 4801 et seq.

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

SEE ATTACHMENT "A"

Submitted by reliable electronic means, sworn to and attested to telephonically per Fed. R. Cr. P.4.1, and probable cause found on: 5/14/2020 @ 10:16 AM

Continued on the attached sheet and made a part hereof:

☒ Yes☐ NoGilberto GamezSignature of Complainant
Gilberto Gamez, Special Agent
U.S. Homeland Security InvestigationsMcAllen, Texas
City and StateJ. Scott Hacker, U.S. Magistrate Judge
Name & Title of Judicial Officer[Signature]
Signature of Judicial Officer

ATTACHMENT A

Before the United States Magistrate Judge, Southern District of Texas, Gilberto Gamez, Special Agent, United States Immigration and Customs Enforcement, being duly sworn, deposes and says the following:

On May 12, 2020 at approximately 9:20 P.M., Filiberto MARTINEZ Jr. attempted to exit the United States and enter the United Mexican States through the Roma, Texas, Port of Entry driving a Chevrolet Tahoe bearing Texas License FHN-0162.

U.S. Customs and Border Protection Officers (CBPO) stopped the vehicle for an outbound inspection and made contact with the driver Filiberto MARTINEZ Jr. CBPO Torres asked MARTINEZ if he was transporting any monetary instruments in excess of \$10,000.00, weapons, or ammunition. MARTINEZ stated he was not. CBPO Torres noticed the driver left hand to be trembling and referred the vehicle for secondary inspection.

At secondary inspection CBPO Torres and CBPO Tirado asked MARTINEZ and his passenger identified as Jessica O. Ibarra Gonzalez to step out of the vehicle and commenced to inspect the vehicle. CBPO Tirado notice some tape when searching the rear driver side panel after noticing the tape he removed the cover and could see bundles wrapped in clear and brown tape. Both MARTINEZ and IBARRA-Gonzalez were detained.

CBP Officers removed a total of four (4) bundles and discovered 199 rounds of .50 caliber ammunition concealed within the wrapping.

Special Agent (SA) Gilberto Gamez with the United States Homeland Security Investigations, Falcon Dam, Texas, was notified and responded to the scene. SA Gamez read MARTINEZ his Declaration of Rights, witnessed by CBPO A. Pena. MARTINEZ stated he understood and waived her rights. MARTINEZ provided the non-verbatim statement:

MARTINEZ stated he ran into an old friend earlier in the day while in Miguel Aleman, Tamaulipas, Mexico. The friend asked him to do him a favor and bring him some ammunition, because he was having trouble getting someone willing to smuggle the ammunition. MARTINEZ stated his friend told him would pay him \$200. MARTINEZ stated he had been out of work since December 2019 and agreed. MARTINEZ returned to the United States and the ammunition was turned over to him at a store near his residence in Alto Bonito, Texas late in afternoon. MARTINEZ stated he concealed the ammunition in the vehicle himself and that it only took him a few minutes. MARTINEZ stated he told his wife IBARRA let's go to Miguel Aleman and buy some sodas and eat some tacos which she agreed. MARTINEZ stated she did not know anything about the ammunition in the vehicle.

MARTINEZ stated the vehicle was registered to his wife and daughter and considers it the family vehicle. MARTINEZ was asked if he had a license or applied for a license with either The Department of State or Department of Commerce to export ammunition. MARTINEZ stated no and that he was not aware you could get license to export ammunition. MARTINEZ was asked if he knew it was illegal to transport ammunition to Mexico. MARTINEZ stated obviously it is posted.